

Message Text

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ACTION DLOS-06

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C O N F I D E N T I A L USUN 3514

FROM: LOS DEL

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: INFORMAL MEETING OF CONSULTATIVE GROUP OF C-II
(LEGAL STATUS OF ECONOMIC ZONE, P.M., AUGUST 30, 1976

1. MOST OF MEETING DEVOTED TO DEBATE TRIGGERED
BY PROPOSED AMENDMENTS TABLED BY GROUP OF LANDLOCKED
AND GEOGRAPHICALLY DISADVANTAGED STATES (LL/GDS), WITH
ZAMBIA AND BOLIVIA ON THE ONE SIDE AND TANZANIA, URUGUAY
AND MEXICO ON THE OTHER. ONLY MITIGATING FACTOR WAS
ABSENCE OF PERU FROM MEETING. THE FOLLOWING ARTICLES
WERE TABLED BY THE GROUP QUOTE WITHOUT PREJUDICE TO
THE POSITION OF THE GROUP REGARDING THE HIGH SEAS STATUS
OF THE PROPOSED ECONOMIC ZONE. UNQUOTE.

QUOTE ARTICLE 44

ESTABLISHMENT AND DEFINITION OF THE ECONOMIC ZONE

1- EVERY COASTAL STATE HAS THE RIGHT TO ESTABLISH
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AN ECONOMIC ZONE IN ACCORDANCE WITH THE PROVISIONS

OF THIS CHAPTER.

2- THE TERM "ECONOMIC ZONE" AS USED IN THE PRESENT CONVENTION REFERS TO THOSE PARTS OF THE SEA WHICH EXTEND FROM THE SEAWARD LIMIT OF THE TERRITORIAL SEA OF A COASTAL STATE UP TO A MAXIMUM BREADTH OF 200 NAUTICAL MILES FROM BASELINES FROM WHICH THE BREADTH OF THE TERRITORIAL SEA IS MEASURED.

3- THE PROVISIONS OF SECTION I OF CHAPTER V AND OTHER PERTINENT RULES OF INTERNATIONAL LAW SHALL APPLY TO THE ECONOMIC ZONE INsofar AS THEY ARE NOT INCOMPATIBLE WITH THIS CHAPTER.

ARTICLE 45

RIGHTS, JURISDICTION AND DUTIES OF THE COASTAL STATE

IN THE ECONOMIC ZONE

1- IN THE ECONOMIC ZONE THE COASTAL STATE SHALL HAVE:

(A) (SOVEREIGN) RIGHTS FOR THE PURPOSE OF EXPLORING AND EXPLOITING THE NATURAL RESOURCES, WHETHER LIVING OR NON-LIVING, OF THE SEA-BED AND SUBSOIL AND THE SUPERJACENT WATERS;

(B) RIGHTS AND JURISDICTION AS PROVIDED FOR IN THE PRESENT CONVENTION WITH REGARD TO:

(I) THE ESTABLISHMENT AND USE OF ARTIFICIAL ISLANDS, INSTALLATIONS AND STRUCTURES;
(II) SCIENTIFIC RESEARCH;
(III) THE PRESERVATION OF THE MARINE ENVIRONMENT, INCLUDING POLLUTION CONTROL AND ABATEMENT; AND
(IV) THE CONSERVATION AND MANAGEMENT OF THE NATURAL RESOURCES.

2- THE RIGHTS SET OUT IN THIS ARTICLE WITH RESPECT TO THE SEA-BED AND SUBSOIL SHALL BE EXERCISED IN ACCORDANCE WITH CHAPTER IV.

3- IN EXERCISING ITS RIGHTS AND PERFORMING ITS DUTIES UNDER THE PRESENT CONVENTION IN THE ECONOMIC ZONE, THE COASTAL STATE SHALL RESPECT THE RIGHTS AND INTERESTS OF THE OTHER STATES AS PROVIDED FOR IN THE PRESENT CONVENTION.

ARTICLE 46

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1- IN THE ECONOMIC ZONE, ALL STATES, WHETHER COASTAL OR LAND-LOCKED, ENJOY THE FREEDOMS OF NAVIGATION AND OVERFLIGHT AND OF THE LAYING OF SUBMARINE CABLES AND PIPELINES AND OTHER INTERNATIONALLY LAWFUL USES OF THE SEA.

2- IN THE ECONOMIC ZONE LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES ENJOY RIGHTS RELATING TO THE NATURAL RESOURCES IN ACCORDANCE WITH ARTICLES...

3- IN EXERCISING THEIR RIGHTS AND PERFORMING
THEIR DUTIES UNDER THE PRESENT CONVENTION IN THE
ECONOMIC ZONE, STATES SHALL RESPECT THE RIGHTS AND
INTERESTS OF THE COASTAL STATE AS PROVIDED FOR IN THE
PRESENT CONVENTION.

ARTICLE 47

RESOLUTION OF CONFLICTS CONCERNING THE RIGHTS

AND DUTIES IN THE ECONOMIC ZONE

CONFLICTS CONCERNING THE RIGHTS AND DUTIES OF
STATES IN THE ECONOMIC ZONE SHALL BE RESOLVED IN
ACCORDANCE WITH THE PROCEDURES LAID DOWN IN CHAPTER.....
(COMPULSORY SETTLEMENT OF DISPUTES PROCEDURES). UNQUOTE.

2. WHILE EXPRESSING NO DIFFICULTY WITH ARTICLE
44 AS WORDED, USSR MADE STRONGEST INTERVENTION YET IN
CONSULTATIVE GROUP IN FAVOR OF HIGH SEAS STATUS. UAE
PROPOSED ADDING QUOTE SUBJECT TO THE RELEVANT PROVISIONS
OF THE PRESENT CONVENTION UNQUOTE AT END OF CHAPEAU OF
ARTICLE 44-1, TO BALANCE SIMILAR LANGUAGE IN ARTICLE
46-1. THIS AMENDMENT ACCEPTABLE TO URUGUAY IN FORM
QUOTE AS PROVIDED FOR IN THE PRESENT CONVENTION UNQUOTE.
CANADA PROPOSED ADDING QUOTE FREEDOM OF THE HIGH SEAS INSO-
FAR AS NOT INCOMPATIBLE WITH THIS CHAPTER UNQUOTE AFTER
THE WORK QUOTE CONVENTION UNQUOTE IN ARTICLE 46-1, FOLLOWED
BY UAE PROPOSING DELETING ALL AFTER THE WORD QUOTE CONVEN-
TION UNQUOTE IN 46-1 AND ADDING IN PLACE THEREOF QUOTE
HIGH SEAS FREEDOMS AND GENERALLY RECOGNIZED USES RELATING
TO NAVIGATION AND COMMUNICATION UNQUOTE. UAE PROPOSAL
SUPPORTED BY YUGOSLAVIA AND, BRIEFLY, URUGUAY. AFTER
TANZANIA INDICATED THAT UAE PROPOSAL MIGHT BE DISCUSSED
ONLY ON ASSUMPTION THAT ECONOMIC ZONE IS NOT HIGH
SEAS, URUGUAY SAW THE LIGHT AND BACKED OFF, JOINING
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IN TANZANIAN FUNDAMENTAL ASSUMPTION. USSR FOUND UAE
PROPOSAL QUOTE QUITE INTERESTING UNQUOTE. AFTER MEETING
ADJOURNED, CANADIAN REP REGRETTED HAVING MADE HIS PROPOSAL
AS PREMATURE.
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